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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,762	01/14/2000	Bahram Ghaffarzadeh Kermani	Kermani 35	8802

7590                    10/22/2002

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/483,762	KERMANI, BAHRAM GHAFFARZADEH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 July 2002.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

1. The Declaration filed on 7/26/2002 under 37 CFR 1.131 has been considered but is ineffective to overcome the Tillgren reference.
2. The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Tillgren reference to either a constructive reduction to practice or an actual reduction to practice. The evidence submitted by the applicant is described by the term "Exhibit A" in paragraph #7 in the Declaration filed under 37 CFR 1.131. The only attached paperwork are pages in claim language format and drawings. Examiner assumes that this submission should be considered as Exhibit A (examiner requests that applicant accurately title these pages as Exhibit A). Nonetheless, this evidence submitted has been deemed insufficient because the documents submitted only contain a date on the header of the document. There is no proof of the actual date of the document (such as the date the file was created; or scripted dated notes between the applicant (Mr. Kermani) and the applicant's representative (Mr. Brett Freeman), as listed by applicant in the Declaration, paragraph numbers 7 and 8).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2655

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-9,11-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Tillgren et al (6339706).

As per claims 1,17, 18,20, Tillgren et al (6339706) teaches:

“a voice command remote control system.....a transducer....electrical signal” as microphone input (Fig. 5, subblock 508)

“a transmitter.....controlled device” as transmitting the signal to a mobile telephone set (Fig. 5, subblock 510)

“a recognition processor.....stored pattern data” as recognition processor (fig. 6, subblock 610)

As per claims 2,19, Tillgren et al (6339706) teaches:

“the voice command remote control system.....first controlled device” as A/D converter (fig. 5, subblock 510)

As per claims 3,13,16,19,25,28,31, Tillgren et al (6339706) teaches:

“first controlled device.....audio voice command” as preset command executed based on recognition (col. 12 lines 15-20);

As per claims 4,6, Tillgren et al (6339706) teaches:

“a recorder that records said electrical signal” as stored voice signals (col. 12 lines 17-21);

As per claims 5,21,35 Tillgren et al (6339706) teaches:

“the recorder is located in the remote device” as recorder in the remote device (col. 13 lines 1-10)

As per claims 7-9,22-24,36, Tillgren et al (6339706) teaches:

“a repeat button.....record button....recorder is voice activated.....voice-activation” as the ability for the user to be warned that a signal did no go thru, and user repeats the command (col. 9 line 42 – col. 10 line 20; and abstract);

As per claim 11, Tillgren et al (6339706) teaches a second controlled device.....stored pattern data -- as recognition processor (fig. 6 subblock 610);

As per claims 12,26,27, Tillgren et al (6339706) teaches a first controlled device.....second control device -- as connection to a second control device (fig. 6, subblocks 610, 612,614,616,626)

As per claims 14,15,29,30,32-34 Tillgren et al (6339706) teaches a first, second, and third controlled device -- as transmitting signals to multiple devices (col. 13 lines 1-15); wherein the devices can include telephone answering device, television sets, etc. (col. 3 lines 40-47).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillgren et al (6339706) in view of Puthuff (6112103).

As per claim 10, Tillgren et al (6339706) does not explicitly teach speech recognition training, however, Puthuff (6112103) teaches speech recognition training (col. 6 lines 10-25). Therefore, it would have been obvious to one of ordinary skill in the art of speech

recognition to modify the teachings of Tillgren with speech recognition training because it would advantageously adapt the system to the user (col. 6 lines 25-45).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")  
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno  
10/20/2002

Doris h.2  
10/21/02  
DORIS H. TO  
PRIMARY EXAMINER